



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Employment Security Department

- ☒ Preproposal Statement of Inquiry was filed as WSR 09-15-013 ; or
☐ Expedited Rule Making--Proposed notice was filed as WSR ; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☐ Original Notice
☒ Supplemental Notice to WSR 10-06-084
☐ Continuance of WSR

Title of rule and other identifying information: (Describe Subject) WAC 192-110-001 May the department refuse to accept my claim, appeal or petition?

Hearing location(s):

Employment Security Department
Maple Leaf Conference Room, 2nd Floor
212 Maple Park Drive
Olympia, Washington

Date: September 23, 2010 Time: 11:30 a.m.

Submit written comments to:

Name: Pamela Ames

Address: PO Box 9046

Olympia, WA 98507-9046

e-mail pames@esd.wa.gov

fax (360) 902-9799 by (date) 9/22/10

Assistance for persons with disabilities: Contact

Tammy Crawford by 9/21/10

TTY (360) 9-02-9569 or (360) 902-9577

Date of intended adoption: September 27, 2010
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The rule replaces WAC 192-12-142 but clarifies that an appeal must be signed and a petition for review properly filed as provided in WAC 192-04-170 before it can be accepted by the department for filing.

Reasons supporting proposal: The move to a new section is part of the department's efforts to organize its rules under subject matter headings. The changes to the rule clarify existing policy that an appeal and petition for review must be properly filed before they can be accepted by the department. Proper filing for an appeal, per WAC 10-08-035, requires that it be signed by the applicant. Proper filing of a petition requires that it meet the provisions of WAC 192-04-170.

Statutory authority for adoption: RCW 50.12.010 and RCW 50.12.040

Statute being implemented: Title 50 RCW

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

DATE

8-12-10

NAME (type or print)

Karen Lee

SIGNATURE

TITLE

Commissioner

CODE-REVISER USE ONLYCODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

AUG 18 2010

TIME

9:37

WSR

10-17-117

AM
PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Employment Security Department

- ☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Juanita Myers	212 Maple Park, Olympia WA	(360) 902-665
Implementation....Nan Thomas	212 Maple Park, Olympia WA	(360) 902-9303
Enforcement..... Nan Thomas	212 Maple Park, Olympia WA	(360) 902-9303

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

The rule relates to the filing of appeals and petitions for review. No impact on business is anticipated.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: The rule clarifies existing agency policy regarding the filing of appeals and petitions for review. No substantive policy changes are included in the proposed rule.

NEW SECTION

WAC 192-110-001 May the department refuse to accept my claim, appeal or petition? (1) Except as provided in subsection (2) of this section, no employee or agent of the department may refuse to accept your claim, a signed appeal, or a petition properly filed under WAC 192-04-170 relating to any program administered by this department regardless of the employee or agent's opinion concerning its merits.

(2) You must provide the department with your name and Social Security account number in order to file a claim for benefits.